

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Kaleena Capers,) Civil Action No.: 3:23-2636-JFA
)
)
Plaintiff,)
)
vs.)
)
United States of America,) **COMPLAINT**
)
)
)
Defendant.)
)

Plaintiff brings this action against Defendant pursuant to the Federal Torts Claim Act, 28 USC §1346(b) (jurisdiction); 28 USC §2679(b)(1) (exclusive remedy), and alleges as follows:

1. The Plaintiff, Kaleena Capers, is a resident and citizen of Columbia, South Carolina.
2. At all times mentioned herein, the United States of America, by and through its agency, United States Postal Service, owned and operated the postal truck driven by Robert Hardy.
3. On or about March 26, 2021, Robert Hardy was an employee of the United States Postal Service, operating a postal service motor vehicle within the course and scope of his employment.
4. At approximately 5:15 pm, Kaleena Capers was traveling east on Hampton Street in Columbia, South Carolina.

5. At the time and place described above, Mr. Hardy was operating his vehicle and traveling north on Harden Street in Columbia, South Carolina when he disregarded a traffic control device with a red light and proceeded through the intersection. Mr. Hardy hit Ms. Capers' vehicle.

6. As a result of the incident, Ms. Capers suffered injuries to her chest, neck, left hip, and back.

7. As a result of the impact, Ms. Capers incurred medical, hospital, and doctors' bills and will suffer such damages in the future. Further, Ms. Capers has experienced and will in the future experience physical pain, suffering, mental anguish, emotional distress, and impairment of health and bodily efficiency, and loss of enjoyment of life. Ms. Capers has lost wages as a result of the impact and will continue to lose wages in the future.

8. Defendant United States of America, through the actions of its agency's employee, Robert Hardy, was negligent, careless, reckless, grossly negligent, willful and wanton at the time and place above mentioned in the following particulars:

- a. In failing to maintain the proper look out;
- b. In failing to maintain proper control of his vehicle;
- c. In failing to yield the right of way;
- d. In failing to apply his brakes or to maintain the same;
- e. In failing to take evasive action to avoid the accident;
- f. In failing to exercise degree of care which a reasonable prudent person would have exercised under the same circumstances;
- g. In driving too fast for conditions;
- h. In colliding with the Plaintiff.

9. All of the above actions combined and concurred as a direct and proximate cause of the injuries and damages suffered by the Plaintiff herein.

WHEREFORE, the Plaintiff prays for judgement against Defendant in a sum sufficient to adequately compensate him for his actual damages, for the cost of this action, and for such other and further relief as this court may deem just and proper.

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Columbia, South Carolina